

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

STATE OF TEXAS,

Plaintiff,

v.

Civ. Action No. 6:21-cv-00003

UNITED STATES OF AMERICA;
DAVID PEKOSKE, Acting Secretary of the
United States Department of Homeland
Security, in his official capacity; UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY; TROY MILLER, Senior Official
Performing the Duties of the Commissioner of
U.S. Customs and Border Protection, in his
Official capacity; U.S. CUSTOMS AND
BORDER PROTECTION; TAE JOHNSON,
Acting Director of U.S. Immigration and
Customs Enforcement, in his official capacity;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; TRACY RENAUD, Senior
Official Performing the Duties of the Director
of the U.S. Citizenship and Immigration Services,
in her official capacity; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendants.

DECLARATION OF JAY VISCONTI

I, Jay Visconti, declare the following:

1. I am the Director (Associate Chief) for the CBP STAT Division within Operations Support, U.S. Customs and Border Protection (CBP), Department of Homeland Security, where I manage CBP STAT's creation and delivery of high-level analysis and reporting of CBP's immigration and seizure data. I have formally served as the Director of the CBP STAT Division since August 2019. Previously, I served as a Senior Advisor to the Chief Operating Officer and Senior Official Performing the Functions and Duties of the Commissioner. In that role, I

performed similar functions to those I am performing now with respect to providing reports and high-level analysis. Prior to serving in that position, I was the Assistant Chief over the U.S. Border Patrol's (USBP's) Statistics and Data Integrity (SDI) Branch, where I provided day-to-day statistics and analysis to USBP senior leadership and worked to ensure data quality within the USBP data. Prior to serving as the Assistant Chief over the USBP SDI Branch, I was an Operations Officer and played a key role in the development of the Border Patrol's e3 electronic system of records. I have been a U.S. Border Patrol agent since January 2, 1996.

2. I am making this Declaration for the purpose of supplying statistical information regarding the number of individuals in CBP custody or detention for immigration violations.

3. This Declaration is based on my personal knowledge and other information conveyed to me by my staff and other knowledgeable CBP personnel in the course of my official duties and responsibilities.

4. As of February 10, 2021 at 11:50 A.M., the number of individuals in CBP custody or detention for immigration violations is as follows:

- a. The number of individuals apprehended by USBP for immigration violations under U.S. Code, Title 8 is 1,456.
- b. The number of individuals in Office of Field Operations (OFO) custody for immigration violations, which includes all inadmissible aliens, is 47. For these purposes, "inadmissible alien" refers to: (1) individuals encountered at U.S. ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, (2) individuals presenting themselves at U.S. ports of entry to seek humanitarian protection under U.S. law, and (3) individuals who sought lawful admission at a U.S. port of entry who subsequently withdraw their

application for admission and are being processed for return to their countries of origin within a short timeframe.

- c. The combined total number of individuals apprehended by USBP for immigration violations under U.S. Code, Title 8 and inadmissible aliens in OFO custody is 1,503.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my information, knowledge and belief.

Executed on the 10th day of February, 2021.

JAY VISCONTI
Digitally signed by JAY
VISCONTI
Date: 2021.02.10 15:42:45
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Jay Visconti
Director, CBP STAT
Operations Support
U.S. Customs and Border Protection